

## REMARKS

This Response is submitted in reply to the Office Action dated August 11, 2004, and in accordance with the November 30, 2004 telephone interview courteously granted by the Examiner. Applicants have amended Claims 153, 159 and 194. No new matter has been added to the Claims. A Terminal Disclaimer is submitted herewith with respect to co-pending U.S. Patent Application Serial No. 09/978,607, and Applicants have submitted herewith a Terminal Disclaimer with respect to co-pending U.S. Patent Application Serial No. 10/238,255. A One-Month Petition for an Extension of Time to respond to the Office Action is submitted herewith. A check in the amount of \$380.00 is submitted herewith to cover the cost of the two Terminal Disclaimers and the one-month extension. Please charge Deposit Account No. 02-1818 for any insufficiency or credit for any overpayment.

### **Claim Rejections – 35 U.S.C. §112**

The Office Action rejected Claims 153-161, 188-196, and 220-221 under 35 U.S.C. §112, second paragraph, as being indefinite. The Office Action stated that the claim language of independent Claims 153, 156, 159, 188, 191, 194, 207, 220 and 221 was unclear. As discussed during the telephone interview, Applicants have added certain language to clarify the claim language of independent Claim 153. Specifically, amended Claim 153 includes the following element, among others: "(a) one of said sound effects when one of the non-targets is selected, said non-target having one of the proximities to the target; and (b) another one of the sound effects when another one of the non-targets is selected, said other non-target having a different one of the proximities to the target." For this reason, and for the reasons provided below, Applicants respectfully submit that Claim 153 (and Claims 154-155 which depend therefrom) are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

Regarding independent Claim 156, Applicants found that such Claim already includes language similar to the language added to Claim 153. For this reason, and for the reasons provided below, Applicants respectfully submit that Claim 156 (and Claims

157-158 which depend therefrom) are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

Amended Claim 159 includes the following element, among others: "causing the speaker to generate said second different sound effect when a different one of the non-targets within a different one of the proximities from said target is selected." For this reason, and for the reasons provided below, Applicants respectfully submit that Claim 159 (and Claims 160-161 which depend therefrom) are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

Regarding independent Claim 188, Applicants found that such Claim already includes language similar to the language added to Claim 153. For this reason, and for the reasons provided below, Applicants respectfully submit that Claim 188 (and Claims 189-190 which depend therefrom) are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

Regarding independent Claim 191, Applicants found that such claim already includes language similar to the language added to Claim 153. For this reason, and for the reasons provided below, Applicants respectfully submit that Claim 191 (and Claims 192-193 which depend therefrom) are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

Amended Claim 194 includes the following element, among others: "upon reaching said predetermined number, causing the speaker to generate said second different sound effect when another one of the non-pitfalls within another one of the proximities from said pitfall is selected." For this reason, and for the reasons provided below, Applicants respectfully submit that Claim 194 (and Claims 195-196 which depend therefrom) are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

Regarding independent Claims 207, 208, 209 and 221, Applicants found that each of these Claims already includes language similar to the language added to Claim 153. For this reason, and for the reasons provided below, Applicants respectfully submit that Claims 207, 208, 220 and 221 are in compliance with the requirements of 35 U.S.C. §112, second paragraph and are in condition for allowance.

**Claim Rejections – 35 U.S.C. §102**

The Office Action rejected Claims 153-161, 188-196, 207, 208 and 220-221 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,656,046 to Yoseloff et al. ("Yoseloff"). For the reasons provided below, Applicants respectfully disagree with and traverse such rejection. Yoseloff discloses audio signals that "could be provided for the wagering apparatus . . . possibly rising to a level of play indication that the visually impaired could independently play the device." (Yoseloff, Column 11, Lines 43-46). Yoseloff's slot machine audibly indicates a position of particular reel symbols using pre-recorded phrases, such as "left," "center," "right," "first pay line," "second pay line," and "third pay line" as well as an identifier for the symbol. (Yoseloff, Column 12, Line 64 – Column 13, Line 8).

Applicants submit that Yoseloff does not disclose the proximity or selection elements of the independent Claims of Applicants' May 14, 2004 Response. In particular, Yoseloff does not disclose a target, a plurality of non-targets having a plurality of different proximities to the target or the selection of such non-targets. Rather, Yoseloff discloses audibly indicating the actual location of one or more reel symbols. During the telephone interview, the Examiner submitted that a winning symbol combination of Yoseloff could be interpreted as a target, and the non-winning symbol combinations could be interpreted as non-targets. Under such interpretation, whether or not proper, Yoseloff's slot machine does not provide the player with audible information that indicates how far one or more of the reels symbols are from a winning combination of reel symbols. In other words, Yoseloff's slot machine does not generate one sound effect when a selected reel symbol is three positions away from a winning combination, and a different sound effect when another selected reel symbol is two positions away from such winning combination. For this reason alone, Applicants respectfully submit that all of the Claims of the Applicants' May 14, 2004 Response are patentably distinguished over Yoseloff. Accordingly, Applicants respectfully submit that the Claims submitted herewith are in condition for allowance.

In addition, Yoseloff does not disclose the counting elements of the independent Claims of Applicants' May 14, 2004 Response. Specifically, Yoseloff's slot machine does not count the number of times one of the non-targets is selected, and upon

reaching that number, generate one or more sound effects. For this reason alone, Applicants respectfully submit that all of the Claims of the Applicants' May 14, 2004 Response are patentably distinguished over Yoseloff. Accordingly, Applicants respectfully submit that the Claims submitted herewith are in condition for allowance.

**Double Patenting**

The Office Action rejected Claims 153-161, 188-196, 207, 208 and 220-221 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-26 of co-pending U.S. Patent Application Serial No. 09/978,607 and Claims 1-18 of co-pending U.S. Patent Application Serial No. 10/238,255. As suggested in the Office Action, a Terminal Disclaimer with respect to co-pending U.S. Patent Application Serial No. 09/978,607 is submitted herewith, and a Terminal Disclaimer with respect to co-pending U.S. Patent Application Serial No. 10/238,255 is submitted herewith. Accordingly, Applicants respectfully submit that Applicants have overcome such rejection.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned to discuss this Response.

Respectfully submitted,

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